

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-319-W - ORDER NO. 2007-834
NOVEMBER 19, 2007

IN RE: Application of South Atlantic Utilities, Inc.)
for Approval of an Increase in Rates and)
Charges for the Community Water System at)
May River Plantation in Bluffton, SC)

ORDER DENYING
REQUEST FOR WAIVER

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of South Atlantic Utilities, Inc. to waive the requirement of legal representation at the merits hearing in this Docket. The request must be denied, as explained below.


Both Commission Regulations and the South Carolina Supreme Court have addressed this issue. 26 S.C. Code Ann. Regs. 103-804 (T) (April 27, 2007) discusses representation issues. First, that regulation states that an individual may represent himself or herself in any proceeding before the Commission, and an attorney authorized to practice law in the State of South Carolina may represent a party in any proceeding before the Commission. (See 103-804 (T) (1) (a) and (b) (April 27, 2007.)) There is no provision in the regulation for allowing a non-attorney to represent any entity other than himself or herself before the Commission. This regulation also notes that all persons acting in a representative capacity before the Commission shall be subject to any

limitation imposed by statute or other proper authority. (See 103-804 (T) (2) (April 27, 2007.))

In this case, the “other proper authority” is the South Carolina Supreme Court. On September 21, 1992, that Court issued an Order which considered the unauthorized practice of law in South Carolina. (See In Re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar, 309 S.C. 304, 422 S.E. 2d 123 (September 21, 1992.)) This Order is still in full force and effect. The Supreme Court held that state agencies may, by regulation, authorize persons not licensed to practice law to appear and represent clients before an agency. However, this Commission has no such regulation. Accordingly, there is no authority for this Commission to grant the requested waiver. Therefore, the request for waiver is denied.

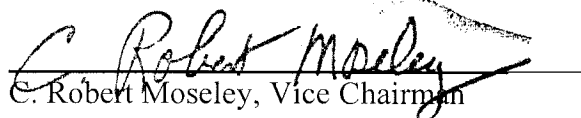
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)